IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 9783 of 2001

Between:

Mr. Reddy Ram Mahan Rao S/o. Krishna Murthy
R/o. D.No.9-42-1, K.T.Road,
Vijayawada-1.

..... PETITIONER

AND

1 Ratna Raju, VII Town , Machavaram,
Viajayawada.
2 The S.I. of Police, VII Town, Machavaram,
Vijayawada.
3 The Assistant Commissioner of Police,
II, Vijayawada.
4 The Commissioner of Police,
Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the unlawful and illegal acts of the respondents 1 and 2 in interfering and depriving the petitioner of his livelihood by taking away all my business implements and locking of his shop on 8-5-2001 and thereby preventing him from doing his business as arbitrary, illegal, malafide , and is violative of Arts. 14, 19(1)(g) and 21 of the Constitution of India.

Counsel for the Petitioner: MR.P.RADHAKRISHNA

Counsel for the Respondents: GP FOR HOME

The Court made the following:

ORDER:

The petitioner is running a hair dressing shop in the name and style of 'London Hair Care Institution' at Vijayawada. He filed the writ petition alleging that in December, 2000, second respondent demanded a sum of Rs.2,00,000/- and also asked to pay 'police mamuls' and when the petitioner refused, a false case in crime No.208 of 2001 under Section 420 of Indian Penal Code, 1860 (IPC) was registered. It is further alleged that on 08.05.2001, the second respondent along with constables came to the shop and carried away the business implements and locked the shop. When the petitioner approached the respondents 3 and 4, no action was taken and therefore the present writ petition is filed.

This Court while admitting the writ petition passed the following interim order in W.P.M.P.No.12313 of 2001 dated 16.05.2001.

> So long as any crime is registered against the petitioner, the second respondent is directed not to interfere in the peaceful conduct of the petitioner's business at his shop, viz., London Hair Care Institution, Opp.Saboo Brothers, Bandar Road, Labbipet, Vijayawada, pending further orders. Notice.

In the counter affidavit filed by the second respondent, the allegations made by the petitioner are denied. It is stated that the petitioner is accused in crime No.208 of 2001 under Section 420 of IPC. The crime was registered on a complaint that the petitioner has cheated the people by claiming himself as a Doctor though he has not possessed any medical degree. It was also stated that the petitioner was involved in crime No.447 of 1996 under Section 468 of IPC. The allegation that the police are interfering with the day to day business of the petitioner is denied.

Though the counter affidavit is filed on 27.08.2001, the petitioner has not chosen to file reply affidavit denying the counter averments. In that view of the matter, this court holds that the writ petition is misconceived and is accordingly dismissed.

(V.V.S.RAO,J)

22.06.2005

pln

To

1 Ratna Raju, VII Town , Machavaram,
Viajayawada.
2 The S.I. of Police, VII Town, Machavaram,
Vijayawada.
3 The Assistant Commissioner of Police,
II, Vijayawada.
4 The Commissioner of Police,
Vijayawada.

5 Two CCs to Government Pleader for Home, High Court Buildings,

Hyderabad (OUT).

6 Two CD copies.